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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,179	06/20/2003	Steven E. Barile	42P15785	9758

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EXAMINER	
JAKOVAC, RYAN J	
ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/600,179	BARILE, STEVEN E.	
	Examiner	Art Unit	
	RYAN J. JAKOVAC	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-27 rejected under 35 U.S.C. 103(a) as being unpatentable over US 7130251 to Morohashi in view of US 7072846 to Robinson.

Regarding claims 1, 8, 12, 14-15, 17, 24, Morohashi discloses a method comprising:

creating a play list (Morohashi, col. 7:54-67. See also, col. 22:57-67, col. 23:1-10.);

occasionally connecting a portable device of a user to a network (Morohashi, col. 5:65 to col. 6:10.);

submitting the play list to a multimedia content provider through the network (Morohashi, col. 7:54-67.), wherein the multimedia content provider gathers gathering multimedia content specified in the play list (Morohashi, col. 7:54-67, col. 18:35-47.);

downloading the multimedia content to a multimedia content cache in the portable device (Morohashi, col. 8:1-11, 30-35, col. 19:24-30.);

disconnecting the portable device from the network (Morohashi, col. 8:35-42.);

playing the multimedia content on the portable device (Morohashi, col. 8:38-40.);

Morohashi does not expressly disclose recording the user's feedback from the user about the multimedia content specified in the play list, wherein the feedback comprises a plurality of ratings, each rating of the plurality of ratings corresponding to a respective title of the multimedia content specified in the play list; and uploading the users feedback to the multimedia content provider when connected to the network, wherein the multimedia content provider uses the plurality of ratings to provide recommended multimedia content to the user; and selectively downloading the recommended multimedia content to the multimedia content cache in the portable device.

However, Robinson discloses:

recording the user's feedback from the user about the multimedia content specified in the play list (Robinson, col. 2:20-24, 65-67, col. 3:1:13, col. 5:7-10, col. 11:10-13, col. 11:16-19.),

wherein the feedback comprises a plurality of ratings, each rating of the plurality of ratings corresponding to a respective title of the multimedia content specified in the play list (Robinson, col. 2:20-24, 65-67, col. 3:1:13. col. 5:7-10, col. 9:31-34, col. 11:16-19.); and

uploading the users feedback to the multimedia content provider when connected to the network (Robinson, col. 3:55-65, col. 9:31-34, col. 11:16-19.),

wherein the multimedia content provider uses the plurality of ratings to provide recommended multimedia content to the user (Robinson, col. 3:55-65, col. 5:40-67, col. 7:45-56, col. 8:32-43, col. 10:35-50, col. 11:10-13, col. 12:29-37.); and

selectively downloading the recommended multimedia content to the multimedia content cache in the portable device (Robinson, col. 8:24-32, col. 10:28-34, col. 10:35-50, col. 13:42-45.)

Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Morohashi and Robinson in order to facilitate the distribution of multimedia content to users more effectively (Robinson, col. 1:20-40.).

Regarding claim 2, 13, 18, the combination of Morohashi and Robinson teaches the method of claim 1, wherein creating the play list comprises: creating an initial play list based on at least one of the following: a user's specifications the user, a play list pre-defined by the user (Morohashi, col. 7:54-67. See also, col. 22:57-67, col. 23:1-10.), and a play list pre-determined by the multimedia content provider (Robinson, col. 9:31-34.);

expanding the initial play list by recommending to the user additional content not even related to the user's unrelated to preferences of the user (Robinson, col. 8:40-53, col. 9:17-44, col. 9:55-65, col. 10:35-50, col. 12:29-37.); and

refining the expanded initial play list based on the feedback (Robinson, col. 8:40-53, col. 9:55-65, col. 10:4-9, col. 10:35-50, col. 12:29-37.).

Regarding claim 3, 19, the combination of Morohashi and Robinson teaches the method of claim 2, wherein expanding the initial play list comprises cross-pollinating the initial play list

using play lists of other users (Robinson, col. 8:54-67, col. 9:1-7, col. 9:17-44, col. 9:55-65, col. 10:35-50, col. 12:29-37.).

Regarding claim 4, 9, 20, 25, the combination of Morohashi and Robinson teaches the method of claim 1, wherein the portable device comprises a computer (Morohashi, fig. 1, fig. 5, col. 13:17-37, col. 5:8-15.).

Regarding claim 5, 21 the combination of Morohashi and Robinson teaches the method for claim 1, wherein playing the multimedia content comprises accessing the multimedia content and rendering the multimedia content to the user (Morohashi, col. 8:38-40, 12:35-65, col. 13:17-37.).

Regarding claim 6, 10, 16, 22, 26, the combination of Morohashi and Robinson teaches the method for claim 5, wherein accessing the multimedia content comprises at least one of the following: unpacking, decrypting, decompressing, and decoding the multimedia content (Morohashi, col. 11:13-34.).

Regarding claim 7, 23, the combination of Morohashi and Robinson teaches the method for claim 1, wherein the network comprises at least one of the following: a local area network, a wide area network, the Internet, a terrestrial broadcast network, and a wireless network (Morohashi, col. 7:38-46, fig. 1.).

Regarding claim 11, 27, the combination of Morohashi and Robinson teaches the method of claim 8, wherein the database comprises at least one of static and dynamic multimedia content (Morohashi, col. 7:60-67, col. 18:35-47.).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Jakovac/

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445